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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,220	05/17/2005	Juan Carlos Domingo Pedrol	OFI001-823324	9405
21831 7590 04/20/2009 WOLF BLOCK SCHORR AND SOLIS-COHEN LLP 250 PARK AVENUE NEW YORK, NY 10177				
EXAMINER ZAREK, PAUL E				
ART UNIT 1617		PAPER NUMBER		
NOTIFICATION DATE 04/20/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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ADVISORY ACTION

1. Applicants traversed the rejection of claims 15-28 and requested Examiner to enter the amendments to the claims. After careful review, Examiner is not persuaded by Applicants' arguments and the proposed amendments will not be entered.
2. Claims 23 and 24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite because it lacked antecedent basis. The claims recited the limitation that DHA is present in a concentration ranging from 5% to 100% by weight, or 50% to 100% by weight, which implies that they are part of a composition. Neither Claims 23 or 24, nor Claim 15, from which they depend, recite that DHA be administered as part of a composition. The amendments to Claims 23 and 24 do not overcome this rejection.
3. Claims 15-22, and 25-28 were rejected under 35 U.S.C. 102(e) as being anticipated by Pacioretty and Babish (US PreGrant Publication No. 2004/0106591, which claims the benefit of provisional application 60/428,246, filed on 11/22/2002). Claims 1, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pacioretty and Babish (above). Applicants traversed these rejections on the grounds that this prior art requires the presence of a thiol-containing compound or trivalent chromium, and that this prior art administers the DHA after administration of HAART. Examiner respectfully disagrees. Instant Claim 16 (amended to be an independent claim) is drawn to a method for treating lipodystrophy comprising administration of DHA. "Comprising" is open language which allows for the presence of other components, such as a thiol-containing compound or trivalent chromium. Moreover, Pacioretty and Babish

explicitly state that the HAART is continued during DHA administration (para 0084). The amendment to Claim 16 does not overcome these rejections.

4. Claims 15-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Holstein, et al. (Experimental and Clinical Endocrinology and Diabetes, 2001) in view of and Connor, et al. (Annals of the New York Academy of Sciences, 1993). Applicants traversed this rejection on the grounds that Examiner misinterpreted "lipodystrophy" and that hyperlipidemia and lipodystrophy are different clinical conditions. Examiner disagrees. Lipodystrophy is characterized by a defective metabolism of fat, a definition supported both by Stedman's Medical Dictionary and Applicants. Moreover, hyperlipidemia is almost always associated with lipodystrophy, and lipodystrophy occurs in HIV patients receiving protease inhibitors (a component of HAART) (Bernasconi, The AIDS Reader, 1999, abstract). The amendment to Claim 16 does not overcome this rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Zarek whose telephone number is (571) 270-5754. The examiner can normally be reached on Monday-Thursday, 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PEZ

/Rita J. Desai/
Primary Examiner, Art Unit 1625